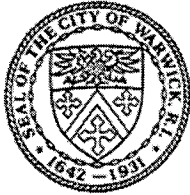


PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

POSTED 3/1/22

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
(401) 921-9534

MINUTES OF THE FEBRUARY 8, 2022 MEETING

A hybrid regular hearing of the Warwick Zoning Board of Review was held on Tuesday, February 8, 2022 at 6:00 P.M. via Zoom - <https://us02web.zoom.us/j/83432180956>.
The meeting was called to order by Chairman Paul DePetrillo.

The Secretary called the roll and noted the following members were present:

Present: Paul DePetrillo - Chairman
Robert DeGregorio - Vice-Chairman
Lorraine Caruso Byrne
Walter Augustyn
Constance Beck - Alternate
Julie Finn - Alternate

Absent: Salvatore Deluise

Also present: David Petrarca, Esq., City Solicitor
Daniel Geagan, Warwick Planning Department
Mary Ellen Hall - Stenographer
Amy Cota, Secretary

A motion was made by Robert DeGregorio to approve the January 11, 2022 Regular Meeting Minutes, seconded by Lorraine Caruso Byrne, and passed unanimously by the Board.

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

Attorney John Revens requested a one month continuance for Petition #10753, for Quinlan Properties, 3880 Post Road, Warwick, RI, and Jeffrey Quinlan, 1220 Ives Rd., Warwick, RI.

A motion was made by Robert DeGregorio, and seconded by Constance Beck to continue this petition until the March 8, 2022 meeting.

The Chairman called the first petition:

Petition #10754

Ward 5

300 Blackstone Avenue

The petition of Mark Albert, Trustee, 300 Blackstone Ave., Warwick, RI, requests a special use permit to demolish the existing single family dwelling (primary residence), and construct a new single family dwelling, and a new cabana with an in-ground pool. Petitioner is requesting a special use permit to have more than one residential structure on a non-conforming lot. Subject property received prior Zoning Board approval to construct a guest house (not to be rented) on January 4, 2000. Assessor's Plat 382, Lots 94, 96, 97 & 98, zoned Residential A-40.

Joseph Brennan, Esq. was present and representing the petitioner.

Daniel Geagan from the Planning Department read the recommendations into the record.

Mark Albert, Petitioner, 300 Blackstone Ave., Warwick, RI, was present and sworn in by the Chairman.

Attorney Brennan stated the petitioner is in agreement with the stipulations. There are two single family dwellings located on the property, the primary residence, and the guest cottage that was previously approved by this Board.

The petitioner is proposing to demolish the single family dwelling (primary residence), and is seeking a special use permit to construct a new single family dwelling (primary residence) having more than one residential structure on a lot. The new dwelling will be located in almost the exact footprint. The petitioner is also proposing to add an in-ground pool and a cabana. The proposed dwelling, pool and cabana will meet all required setbacks.

The subject property is a non-conforming lot due to having less than required frontage.

The Chairman asked if there was anyone present in opposition or in favor of the petition.

Sofiya Rudayev, 239 Kirby Ave., Warwick, RI, was present in opposition of the petition, and sworn in by the Chairman.

John Phillip, 176 Channel View Dr., Warwick, RI, was present in opposition of the petition, and sworn in by the Chairman.

The neighbors had concerns with the construction vehicles utilizing the public right-of-way, and causing damage to their property. There were also concerns with drainage and flooding issues.

The petitioner stated this is being designed by an Engineer design, and the property will be in compliance with all CRMC, RI DEM and all local & federal requirements. The petitioner also agreed to repair/restore and damage to the surrounding properties as well as to the right-of-way, once the project is complete.

Robert Degregorio made a motion. He stated the petitioner has agreed to the stipulations, and the proposed dwelling won't alter the general characteristics of the surrounding area. The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10761

Ward 5

14 Alden Ave.

The petition of Marisa J. Almon, 14 Alden Avenue, Warwick, RI, request a dimensional variance for constructing a platform six feet off the ground, without the proper permits, to store an air conditioning condenser and a generator. Platform, generator and condenser having less than required front/corner side yard setback (from Mayflower Ave). Assessor's Plat 356, Lot 320, zoned Residential A-15.

Daniel Geagan from the Planning Department read the recommendations into the record.

Mary Shekarchi, Esq. was present and representing the petitioner.

Attorney Shekarchi stated the petitioner looked at other alternative locations for the condenser and generator, but due to the location of the septic system and underground utilities, this was the only logical place.

Attorney Shekarchi submitted four emailed letters from a few neighbor's marked as Petitioner's Exhibits 1-4.

Attorney Shekarchi stated the petitioner agreed to all stipulations placed on the approval, to include relocating the fence that encroaches the City public right-of-way along Alden Avenue.

Robert DeGregorio asked the petitioner if there is a driveway in front of the garage door. The petitioner stated they used it during construction of the garage but it's not an official driveway. She agreed not to use it as a driveway, as it encroaches the city right-of-way.

Robert DeGregorio also asked the petitioner if the use of above the garage was still an art studio as previously approved by this Board. The petitioner responded yes, it is still an art studio.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated the petitioner agreed to the stipulations, and made a motion, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10769

Ward 1

36 Bank Street

The petition of Rene Rosario, 170 Pontiac Ave., Cranston, RI, requests a dimensional variance to construct dormer additions to the existing third floor. Proposed dormer additions having less than required side yard, and rear yard setbacks. Subject property being a pre-existing, legal non-conforming two family dwelling on an undersized non-conforming lot. Assessor's Plat 292, Lot 338, zoned Residential A-7/Historic.

Rene Rosario, Petitioner, 170 Pontiac Ave., Cranston, RI, was present and sworn in by the Chairman.

Mr. Rosario stated he purchased the property as a three-family dwelling, but legally a two-family dwelling. The petitioner is proposing to convert the second and third floor into one dwelling unit for his family to live in, and his mother in-law will live in the apartment on the first floor.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Constance Beck made a motion to approve the petition, seconded by Robert DeGregorio, and passed unanimously by the Board that the petition be GRANTED.

Petition #10770

Ward 6

86 Woodbine Avenue

The petition of Heidi & Nathaniel Ward, 86 Woodbine Ave., Warwick, RI, requests a dimensional variance to construct a 20' x 8' addition to the existing attached garage, and to expand & modify the attic space on the second floor into a master bedroom and bathroom. Proposed garage addition having less than required front & side yard setbacks. Proposed expansion of attic to living space having less than required side & rear yard setbacks. Assessor's Plat 373, Lot 82, zoned Residential A-15.

Nathaniel Ward, Petitioner, 86 Woodbine Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Ward stated he is proposing to construct a 20' x 8' addition to the existing attached garage. He stated he needs the space to store his tools so they can utilize the garage to park their vehicles.

The petitioner is also proposing to expand the existing attic to convert it to a master bedroom/bathroom.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated the relief is necessary due to the unique characteristics of the subject property, and made a motion to approve the petition, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

Petition #10771

Ward 9

550 Cowesett Road

The petition of Cornerstone Church of Warwick, 550 Cowesett Rd., Warwick, RI, and Robert Clark, 540 Cowesett Rd., Warwick, RI, requests a dimensional variance to have an outdoor basketball court with a fence higher than allowed. Assessor's Plat 232, Lot 12, zoned Residential A-40.

Robert Clark, Petitioner, 550 Cowesett Rd., Warwick, RI, was present and sworn in by the Chairman.

Julien Chretien, Esq. was present and representing the petitioner.

Attorney Chretien stated the petitioner is seeking dimensional relief to have a 10' high chain-link fence around the basketball court for safety purposes.

The petitioner stated the lights won't be on 24/7. The basketball court will have a 9:00 P.M. curfew Sunday through Thursday, and a 10:00 P.M. curfew on Friday and Saturday nights, so the lights won't be on after these hours.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Lorraine Caruso Byrne stated they are seeking the least relief necessary, and made a motion to approve the petition, seconded by Robert DeGregorio, and passed unanimously by the Board that the petition be GRANTED.

Petition #10772

Ward 6

Sea View Drive

The petition of the Estate of Vincent Pono, c/o Joan P. Cerullo, Administrator, 2055 Broad St., Cranston, RI, and Zarrella Development Corp., P.O. Box 1506, East Greenwich, RI, requests a dimensional variance to construct a 26' x 24' single family dwelling. Proposed dwelling having less than required front/corner side yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 360, Lot 361, zoned Residential A-40 & A-7.

Daniel Geagan from the Planning Department read the recommendations into the record.

Sanford J. Resnick, Esq. was present and representing the petitioners.

Attorney Resnick stated this lot was platted as a lot of record in 1919. The current owner has owned this lot since 1951. Many lots in this area are similar in size to the subject property. He stated this is consistent with the area.

Attorney Resnick stated they feel they are seeking the least relief necessary, they've designed the proposed dwelling to be consistent with the area, and denial of this petition would deny the petitioner all beneficial use of this property. He stated the property is in a residential zoning district, and the only use is a single family dwelling.

The Chairman asked if the Board Members had any questions.

Lorraine Caruso Byrne stated she has a problem with a developer coming in and buying this little piece of land from someone who has owned it forever, so he could build a house on it, even though he knew it's too small to build a house on.

Attorney Resnick stated this is very clear, nearly 70% of the houses in this area, the zone changed not that many years ago. He has owned this lot for over 50 years, he has the right to build on it.

Ms. Byrne stated when Mr. Zarrella bought the property he knew it was an undersized lot.

Attorney Resnick stated the law is very clear on this, and they have had many cases in the past, and that's why you see all these lots with houses.

Ms. Byrne asked the City Solicitor, David Petrarca, Esq. if he is entitled to build on it.

Attorney Petrarca stated it's a legal lot of record, and the Supreme Court in Rhode Island has been very clear that if it's a legal lot of record, not otherwise merged, which is why Mr. Geagan had the comments about the lot not being merged with any other lots, then they have the right to build in accordance with a residential zone. It has to meet other requirements as needed, but you cannot deny building. It does have to meet the standards as set forth by State Law and local Zoning Ordinance. There is relief being sought here and it is up to the Board to determine whether it's the least relief necessary. It's known as a pre-existing non-conforming lot by dimension.

The Chairman asked if there was anyone present in opposition or in favor of the petition.

Maureen Johnson, 50 Sea View Drive, Warwick, RI, was present and sworn in by the Chairman.

Ms. Johnson had a question about the Residential A-7 setback requirements.

Timothy Gregson, 148 Oakhurst Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Gregson asked if the house would be built on stilts, and how they got away with clearing the lot without approval from this Board, or any permits.

Attorney Resnick stated the house has to meet the flood requirements, and there is no Ordinance against clearing the land.

Mr. Gregson stated he objects to this petition. He said as the attorney quoted, more and more houses are being built in this area on smaller and smaller lots. It is getting worse in this area, the houses are on top of one another. He stated he strongly objects to this petition. Developers are getting away with this.

Carol Vigeant, 152 Oakhurst Ave., Warwick, RI, was present and sworn in by the Chairman.

Ms. Vigeant asked if the new dwelling will have an Oakhurst Avenue address. She stated if the driveway will be on Oakhurst, she strongly objects due to it being so close to the corner. There is no visibility to have a driveway come out on Oakhurst. She stated the driveway location is one of her complaints.

Ms. Vigeant stated her second complaint is she owns a second lot, but was told it was too small to build on. Her other complaint is she was told her second lot was too small to build on. She stated back in the 1950's she had a water view from her property, which she no longer has. There is no more room to build in this area, and this would be a huge mistake in her opinion.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion to approve the petition. He stated the lot was platted prior to the Zoning Ordinance was enforced, it's a legal non-conforming lot of record, it will fit in with the characteristics of the area, and he feels this is the least relief necessary. The motion was seconded by Walter Augustyn and passed with a 4 to 1 vote that the petition be GRANTED WITH STIPULATIONS. (Paul DePetrillo voted to approve, Robert DeGregorio voted to approve, Constance Beck voted to approve, Walter Augustyn voted to approve, and Lorraine Caruso Byrne voted to deny).

The regular meeting of the Warwick Zoning Board was adjourned at 8:30 p.m.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Paul DePetrillo, Chairman